

Results Frameworks and Accountability for Cross Cutting Issues – Lessons from the Justice Law and Order Sector (JLOS) in Uganda¹

By Evelyn Edroma (JLOS) and Dónal Cronin (Irish Aid)²

Introduction

The Justice Law and Order Sector (JLOS) is a reform process ongoing across the entire justice sector in Uganda through a Sector Wide Approach (SWAp); the first of its kind in Africa. All funding for the institutions comprising the JLOS supports a single policy and expenditure programme - the JLOS Strategic Investment Plan (SIP II) led by the Government of Uganda - which was developed through a participatory and consultative process.

See JLOS website at
<http://www.jlos.go.ug>

The justice reform strategy analyses justice delivery across a range of institutions by prioritising *outcomes* rather than *outputs*. Therefore, in addition to the concern over infrastructure and human resource, the JLOS lays emphasis on whether their availability and accessibility translates to *delivery of justice for all* and also improvements in the *quality of life* of the people. The JLOS SIP II Policy and Indicators Matrix provides for policy actions, and institutional and sector wide indicators that are linked to each key result areas. As such, the SIP II contains a sector wide monitoring and evaluation framework to ensure that the desired outcomes and results are realized.

PEAP and APIR – How JLOS Fits In

The development of the Results and Policy Matrix in the national Poverty Eradication Action Plan (PEAP) and the Annual PEAP Implementation Review (APIR) are improvements in reviewing progress across all sectors of Government. They are critical developments for a sector such as JLOS for the following reasons:

- ✓ The PEAP and its Results and Policy Matrix clearly indicated the **key higher level outcomes** that were being targeted, and towards which each sector was supposed to illustrate its contribution to. This enabled JLOS to strategically plan its own programme, to align its results framework with that of the PEAP, and ultimately to focus more on poverty reduction and reduced inequality.
- ✓ The APIR process reviewed progress based on the Results and Policy Matrix. The whole process therefore encouraged sectors to **illustrate progress based on results**. It meant that JLOS needed to develop up-to-date and functional data bases to provide valid, reliable and evidence-based performance on indicators and where possible to disaggregate it by gender.
- ✓ The APIR process confirmed the importance of **more effective inter-sectoral collaboration and communication** at a local and national level. Such collaboration is critical for JLOS given the myriad of linkages that exist relating to, for example, law reform. It also presents an opportunity for the cross-cutting issues of gender, HIV/AIDS, the environment, and governance (including human rights and accountability) to be dealt with in a more holistic manner, and for JLOS to play its

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² Evelyn Edroma is the Senior Technical Advisor (STA) in the JLOS Secretariat in Uganda. Dónal Cronin is a Development Specialist with Irish Aid (Uganda).

part in that (for example, the planned for work and legislation on HIV/AIDS or gender requires cross-ministerial and sectoral consultation and 'buy-in').

- ✓ Within the Good Governance Pillar of the PEAP, the **human rights indicator** (number of complaints registered with the national human rights body) is restrictive and not very useful in assessing trends and improvements in respect for human rights. There are more credible indicators that the JLOS has identified to effectively monitor levels of human rights knowledge, awareness and public confidence of the justice system, which should inform the review of the PEAP indicators.

There are challenges however in the whole process. The PEAP Results and Policy Matrix has not been able to spur sectors into mainstreaming the cross-cutting issues to date partly because governance and human rights, for example, find space in the Good Governance Pillar but are largely absent from the other pillars. This challenge however is being addressed as part of the APIR process and the planned for adaptations of the PEAP matrix. Another challenge for JLOS has been that the development of systems and processes at a sectoral level has sometimes been difficult to translate to improvements at an institutional level, especially given that JLOS comprises 11 different institutions.

On the side of the donors, the JLOS Development Partner Group (DPG) is seeking to support the process by encouraging a phased approach, focusing on a few core issues within the cross-cutting areas and enabling the sector and institutions to 'learn by doing'. The JLOS DPG have found from past experience that a joined-up and coordinated approach to encouraging mainstreaming, in a transparent manner, in partnership with Government, and dependant on *existing* sector financing (within the budget) and processes, is better than bilateral and ad hoc donor approaches which have so often failed in the past.

Mainstreaming in the JLOS Results Framework and Accountability Practices

<p>Lesson One: Human Rights principles and standards were used in JLOS to define the results to be achieved and the strategies needed to achieve them</p>
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The Mid Term Evaluation (MTE) of JLOS in 2004 led to the development of a checklist for JLOS planning which covered minimum human rights standards translated from Uganda's international legal commitments (as per human rights treaties) vis-à-vis JLOS-related areas. The checklist examined whether national laws, procedures, practices, programmes, budgets and systems were achieving the standards and commitments in practice. It was useful in that:

- ✓ It provided **standards of assessment** that have legitimacy that is both deep and wide;
- ✓ It clarified that **human rights** underpin all of JLOS activity;
- ✓ It emphasised **cost-free solutions** to human rights problems by drawing attention to items which simply required Government decision;
- ✓ It placed in context the areas chosen by JLOS for **engagement** and helped identify missing areas;
- ✓ It helped to check whether the sector **Monitoring and Evaluation (M & E) system** was asking the right questions;
- ✓ It indicated how **inter-dependent** these standards are and thus the need for a holistic, rather than fragmented, approach to JLOS;
- ✓ It brought out the **inter-sectoral linkages** that could be developed (with for example the health sector on HIV/AIDS);

- ✓ It illustrated further to the **JLOS donors** that a ‘recipient-donor’ relationship (in terms of partnership and monitoring) is less important than a broader set of internationally agreed standards and legal commitments that binds everyone collectively, from which national systems and processes can derive and have an inherent legitimacy and credibility.

Ultimately, the checklist supported and stimulated the discussion surrounding the development of the JLOS SIP II and the new JLOS M & E framework. The lesson to draw out is that human rights frameworks and instruments can provide a common framework and normative base for dialogue between donors and recipient countries about the Paris Declaration commitments, including the agreement of common standards and targeted outcomes. There is a danger of overloading the agenda of course, and great care is required to ensure that realism is maintained and practical considerations taken into account.

Lesson Two: Human rights mainstreaming led to human rights being placed *at the centre* of JLOS: becoming a sector objective made it easier to plan, budget, and monitor for human rights

One of the five JLOS objectives in the JLOS SIP II is: ‘To foster a human rights culture across JLOS institutions’. By setting human rights at the centre of what JLOS does, it was expected that:

- ✓ The cross-cutting area of human rights would be more effectively **mainstreamed**;
- ✓ The **linkages** between planning and budgeting for positive human rights outcomes would be improved;
- ✓ The development of assessment frameworks and information systems that allow for tracking results-based human rights **indicators** would be made more feasible.

It is still early days for JLOS SIP II, but already the decision to put human rights as a core objective is shaping the way the sector engages on related issues. It has meant that human rights is part and parcel of the planning and budgeting system, attracting as it does specific activities within the Sector Investment Plan, the Budget Framework Paper (BFP) of JLOS (submitted to the Ministry of Finance and Economic Development as part of the budget cycle), and the annual JLOS work plan and budget. Examples of such activities include the development of human rights awareness and practice in JLOS institutions, domestication of international human rights treaties through reform of national laws e.g. the initiation of a specific law against torture, and the inclusion of human rights indicators in the M & E system. Civil society and private sector actors are now on user groups and formal JLOS working groups, in addition to their participation in JLOS reviews and forums. And the development of a framework for accurate and transparent information in JLOS will be critical in supporting those actors to claim their rights and to hold Government to account; as key elements of a human rights approach to Management for Development Results.

Lesson Three: Creating space for non state actors – critical for mutual accountability to work in practice – requires a lot of preparatory and background work, and targeted support; otherwise the ‘open doors’ will not be used, or used effectively

Mutual Accountability, on the side of recipient countries, implies strengthening the role of parliaments and reinforcing participatory approaches to policy making, monitoring and

implementation. In JLOS, as described above, much emphasis has been placed on ‘opening doors’ for private sector and civil society actors to participate in policy-making, planning, implementation and monitoring of the JLOS SIP II. Examples of how the cross cutting issues are being addressed through this approach include the links being developed with the Gender and Growth Coalition of NGOs whose aim is to advocate for the removal of legal and administrative barriers encountered by women entrepreneurs, or with NGOs such as the African Centre for the Treatment and Rehabilitation of Torture Victims (ACTV). We have learned, however, that opening doors and providing spaces for such interaction does not mean that the private sector and civil society actors will walk through them or occupy those spaces, or do so effectively.

Recent experience and research in Uganda shows that that policy capacity of civil society is hampered not only by lack of capacity but also as a result of such factors as: (a) the vast array of opportunities that now exist for NGOs to engage in the development, review and implementation of strategies in all sectors, which makes it difficult for NGOs to keep abreast of and engaged on processes; (b) the fact that many NGOs are still engaged on service delivery which enables them to sustain their activities through funding and allows them to draw upon a grass roots base that Governments are increasingly accusing them of lacking, and; (c) the fact that collaboration in NGO networks – an attempt to improve on coherence, coordination and policy dialogue - is time-consuming and frequently problematic.

On the donors side, there is also still much to contemplate with regard to how civil society can be supported so as to play such roles as policy-making and monitoring, and the participation, consultation, research and advocacy required to do so. And more thought needs to be put into how the aftermath of the Paris Declaration might better be attuned to the needs of civil society.

So how are we tackling these challenges in JLOS, especially in relation to non state actors who can add value to the mainstreaming of the cross-cutting issues?

- ✓ Making **clear entry points** with what their expected and potential role could be (monitoring, advocacy and feedback roles). This involved JLOS working with the NGOs to prepare them for their involvement, a process that nevertheless is time consuming.
- ✓ **Avoiding creating multiple entry points** – strategically targeting relevant and credible NGOs to focus on specific areas and who can bring technical expertise.
- ✓ The idea of **Partnership Principles with civil society** is under consideration. However for the JLOS, the challenge is how and which organisation (NGO or an umbrella organisation) to formalise a partnership with. This is compounded by the need to identify one that derives legitimacy from a range and encompassing number of organisations and at which levels (national/local)
- ✓ The focus on district-level JLOS Coordinating Committees will be useful in addressing and harnessing practice and policy issues at **local levels**, where civil society need to participate actively.
- ✓ NGOs have been supported through a Legal Aid Basket Fund (LABF) by development partners and this has brought such NGOs together in a **strategic forum** in order to articulate issues and concerns and liaise with the GoU JLOS side, who also sit on the LABF Advisory Committee.

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